THE COURTS.

Supreme Court.

o Great Sugar Case Again-A Spicy Family -Business in Oyer and Terminer total Assignments in the Superior Court for the Coming Year-The St. Cloud Hotel in Court-Sentences in the General Sessions-Decisions.

UNITED STATES SUPREME COURT.

Matute of Limitations Imports at to Sire he Statute of Limitations—Imports at to Sire
Impurance Companies—Contestly, for the
Prime for the Capture of the Fishe Syren,
at Charlesten, During the Lotte Robellion—
The Supreme and State Cowrts Agree As To
the Legitimacy and Take of the Helr of
Jennie De Lux, of New York.

WASHINGTON, D. C., Dec. 18, 1871.
No. 16. Semmes vs. The City Fire Insurance Com-

Bartford.-Error to the Circuit Court for ont.—This was an action on a policy of in-msued upon the plaintin's property in Mis-and the defence was that the action was carred by a provision of the policy because not commenced within twelve months from the date of the loss. The Court band that the contract was suspended during the may, but revived from and after the procumation of lane 13, 18e6, and that being from that date in full order and the suit not having been brought within the time prescribed by the contract in the policy, although there was no obstacle in the way, the provision of the poincy was a bar and the judgment was for the company. This Court held that the limitation being by contract and not by statute, and it being impossible for the plaintiff to bring his action within the year stipulated, the Court cannot now fix another date for performance. The action could not be commenced within one year from the material the loss by reason of the existence of the war, and the year having expired the parties are now left to the law. The statute of limitations of Connecticut provides a limitation of six years in such actions, and if the suit is brought within that perfort it is maintainable. On this ground and without reviewing the principle of the decision below, the judgment is reversed and a new trial ordered. Mr. Justice Miller delivered the opinion.

The effect of this decision is to discriminate between limitations fixed by statute and limitations.

By a statute and limitation of the rule of mappension pending disabilities imposed by the war, making the former subject to the rule and leaving the latter as though it had not existed and the rights involved to be determined by the local statutes.

Bo 37. Monadnock et al. vs. The United States. carred by a provision of the policy

was a distribution on a prize, and the decree w was that the captured ship, the Syren, fell to United States on the capture of Charleston, re she was lying in port, but that the steamer where she was lying in port, but that the steamer shadous, having rendered valuable salvage services in saving the Syren from destruction by fire set to her by the enemy when she was abandoned, was entitled to one-third of the proceeds of the prize as salvage. No sublic vessel of the United States was adjudged to be entitled to any share in the distribution. The efficient and crew of the Monadnock and others brought the case here, where the decree below is affirmed, the Court holding that in the absence of any statutory provision for cases of the joint capture by the army and navy the captures in such cases in ure exclusively to the United States. This is the ruling in England, it is said, where such captures are neld not to be within the prize acts, and where they are provided for by statutes passed especially for the purpose. Air. Justice Swayne delivered the spinion.

No. 28. Conjelle et al. vs. Ferrie and Curtis. ministrators—Appeal from the Southern Dis-ot of New York.—The appellants are the adminfors of one Jennie De Lux, a woman of French on, who died intestate in the city of York some years ago, leaving a large personal the. Ferrie was the son of the deceased, and refull hearing he was appointed administrator the Surrogate of New York. The apants, aliegning Ferrie's illegitimacy, took the up to the higher court of the Blate and lift in the Court of Appeals, where the decision he Surrogate was affirmed. This action, involvine same question, was then brought and the surrogate was affirmed. This action, involvine same question, was then brought and the surrogate was affirmed. The Court overruled the to the proceeding. The Court overruled the and directed the defendants to answer; but in the hearing on the merits the decision of the sourts was affirmed. The cause was then make here, where the decree is affirmed without an mination of the merits, the Court bolding that the sion of the State Court was conclusive of the ston is based upon the bill there dismissed. This sion is based upon the theory that the judgment court of concurrent jurisdiction directly upon point is as a plea in bar or as evidence conclusetween the same parties on the same matter city in question in another court. Mr. Justice as delivered the opinion. The Chief Justice, have been of counsel for Ferrie, did not participate in decision of the case.

-Appeal from the Circuit Court for Miss This appeal was dismissed for want of jurisdiction. the Court holding that the action of the Court below, was in the exercise of its superintending or revising jurisdiction, and that no appeal lies in such a case. The Chief Justice announced the opinion.

No. 140. Borland vs. Boyce-Appeal from the Circuit Court of the Southern district of New York. on to dismiss denied. The order was an-

UNITED STATES DISTRICT COURT.

The Great Sugar Case Again.

Before Judge Blacchford.

The United States vs. Weld & Co.—The defendants, large importers of sugar, doing business in this city and Buston, are proceeded against for the recovery of \$400,000, alleged to be due on their importations of sugar and the payment of the Custom Suties on which—to the amount set forth—it is also slieged they evaded by bribing the Custom House officers. The case was previously on trial for several days, and fully reported in the Heraldo, but the jury having disagreed the case comes on for a new trial this morning.

A Curious Suit and Carlons Complication of Counter Charges. Before Judge Barnard.

John Spicer es. George Spicer.—This is a suit rought by a nephew against his uncle on his own chalf and the uncle's wife. It appears that John Spicer, deceased, had property in this city in his ewn name, and, peing about to die, told his wife he would make provision for her. This is a part of
the pisintiff's story, and the story goes on to say
that the defendant, a brother of John, heard of this
intention of the latter, and told him if he left his
broperty to his wife it would go for the benefit of a
second husband, and induced him to transfer the
property to hum. The suit is brought to annui
this conveyance. The story on the other side is that
John never had any property, but that George, who
had accumulated large wealth in the real estate
beginess, transferred his property to his brother
John, on account of his own wife being a lunatio
and confined in the Bioomingdale Asylum, where
she has been for the past twenty years, such transfer being made in order to give valid title to purchasers. It is also further alleged that the woman
claiming to be John's wife was not his legal wife.
This is denied on the other side, she claiming that
she was married to him by the late Rev. Spencer H.
Come. In opposition to this the record of marflages performed by the clergyman named was
produced, but contained no such entry. The alleged wife accounts for the omission by saying that
it was omitted at their special request. But this is
put all the complication. It is further alleged on
behalf of the defence that when this woman married
John, if she did marry him, that is he had a husband living. This statement is combated by the
assertion that when she married this first husband
he had a wile living, and therefore that the marriage
was void. All day yesterday was consumed in hearing the evidence, and it promises to occupy two or
three days longer. d make provision for her. This is a part of

COURT OF OYER AND TERMINER.

An All Day's Trial, and Acquitted. Before Judge Ingraham.

This Court met at eleven A. M. yesterday, the ourt room, as usual, being densely crowded.

court room, as usual, being densely crowded.

CHARGE OF RECEIVING STOLEN GOODS.

The trial of John Broobsky was resumed, the charge exainst him being receiving about \$1,500 of stolen goods from William H. Moses, a clerk in the employ of Evans, Gardner & Co. The defence is that he received a shawl and thirteen yards of allk, which were found in his possession, but that he paid Moses their full value, the initer representing himself as being in the auction business. The case was hothy committeeted, Assistant District Attorney Sullivan laboring scales by the convict the prisoner and Mr. William F. Hintaing making a long and cloquent defence in his behalf. At four F. M., after a brief but clear charge by the Judge, the case was given to the jury. After a bourt a socience the jury brought in a verdict of countrie.

SUPREME COURT - CHAMBERS. A Lawyer Told to Fork Over. Beiore Judge Cardozo,
ng et al. w. N. Hill Powler,-The
ps anchiepeers, and the aejendant a

that the latter improperly obtained from them
sees at and unit was bound from them
the amount, with interest from Decomber.
Id. 1800. Judge lagraham first denied the
an order to show cause why a rehearing should not
be had. On that order the college came up in this
court. The judge decided that the motion should
over the amount clair decided lar. Fowler to pay

A Judge Cardozo Mitchell vs. Pattinger.—Motion granted. Roach vs. Arcis.—Same. Wilson a Weeks et al. -Same. In the Matter of the Petition of H. Aaron

ns vs. Dickinson et al.—Memoranda for conn Jane C. Merioin us. P. G. Merioin.

The following assignment of Judges of superior Court for 1872 was made yesterday:-

GENERAL TERMS.

January—McCunn, Freedman, Sedgwick.
February—Barbour, McCunn, Curtis.
March—Monell, Freedman, Ourtis.
Abril—Barbour, Freedman, Curtis.
Abril—Barbour, Freedman, Curtis.
May—Harbour, Freedman, Curtis.
November—Barbour, Monell, Freedman.
December—Barbour, Curtis, Sedgwick.
November—Barbour, Curtis, Sedgwick.
SPECIAL TERMS.
Anuary—Monell.
Gucber—Sedgwick.
April—McCunn.
Movember—McCunn.
Movember—McCunn.
Movember—McCunn.
Movember—McCunn.
Movember—McCunn.
Movember—McCunn.
Movember—McCunn.

January—Barbour, Pebruary—Moneil. March—Sedgwick. April—McCunn. May—Curtis.

January — Curtis, February — Freedman, March — Barbour, April — Monell, May — Sedgwick, June — McCunn,

May—Sedgwick.
June—McUunn.
October—Barbour.
Rovember—Curtis.
December—Freedman.
Freedman.
Freedm August 17, inclusive.

McCunn—From Monday, August 17, to Tuesday,
September 3, inclusive.
Sedgwick—From Wednesday, September 4, to
Thursday, September 19, inclusive.
Curtia—From Friday, September 20, to Saturday,
October 5, inclusive.

October 6, inclusive.

GENERAL TERMS IN VACATION.

Thursday, August 1— Barbour and Monell.

Tuesday, September 8— hoCunn and Seag

SUPERIOR COURT-SPECIAL TERM.

By Judge Freedman.

Louis Chambourt et al. vs. James Cagney.—Motio granted so far as to require plaintiff to furnish list

Company .- Motion denied, with \$10 costs to abide

surance Company.—Motion denied.

Thomas Braser vs. Sarah Braser.—Defendant's motion for further alimony and counsel fee denied.

Report of referee confirmed and judgment of divorce granted.

George Brown et al. vs. Catharine Dietra.—Order granted.

ranted. George W. Tressper et al. vs. Same.—Same, John M. Conneil vs. Same.—Same. Thomas B. Kerr et al. vs. John Davis.—Reference

Robert S. Raylor et al. vs. Francis P. Luqueer et John C. Carpenter vs. Terence D. Carpenter. - See

John C. Carpenter vs. Terence D. Carpenter.—See decision.

Francis B. Paine vs. R. Robert Coaling et al.—

Francis B. Paine vs. R. Robert Coaling et al.—

Motion granted upon payment of plaintiff's costs in the judgment as taxed by the Clerk, with the exception, however, of any allowance included therein, and the referee's fees subsequent to judgment, and \$10 for opposing this motion.

Isaac Bochm vs. Stephen Buhrle.—Motion denied, with \$10 costs.

Gilhooley vs. Botts.—Order granted.

By Judge Barbour.

Albert Bristol et al. vs. S. Frank,—Settled as amended by me.

COURT OF COMMON PLEAS-PART L

The St. Cloud Hotel in Court-Alleged Fraud-

nient Misrepresentations.

Before Judge Joseph F. Daly and a Jury.

John H. Moore vs. T. B. Rand et al.—This was an ction brought by the plaintiff against Thomas B. Rand and George W. Rand under the following cir-cumstances:—About the 17th of December, 1869, the ors of the St. Cloud Hotel, corner of Broadway and Porty-second street, having purchased from Mr. Dell P. Peters, who ran the hotel for some time proviously. The defendants in this case were at that time residents of Boston, where they carried on the Parks House and other houses. Various negotiations took place between Mr. Moore and the defendants in the summer of 1859, with a view to the purchase of the hotel by the latter. A contract in writing, by which the defendants agreed to purchase the hotel for \$125,000, was finally entered into on the 17th of September, the plaintiff, as defendants allege, stating that the hotel had made about \$40,000 to \$50,000 a year clear profit. After the defendants had been in occupancy of the hotel for about a month they found that they were losing money at the rate of \$10,000 a year, and they now bring this action charging fraud and misrepresentation against the plaintiff. The defendants had the affirmative of the issues, and plaintiff denied at the material allegations of the defendants.

COURT OF COMMON PLEAS-SPECIAL TERM.

Decisions, By Judge Larremore. Crandall vs. Hawkins.-Motion granted. Costs to abide event.

granted, on payment of costs, with leave to defend ant to answer or domur if so advised. Same vs. Same.—Order settled. Liebman vs. Steinmetz.-Motion granted.

Walter vs. Thomas.—See opinion.

Koch vs. Koch.—Divorce granted. Plaintiff to ave custody of children and \$50 per month as allhave custody of children and \$50 per month as allmony.

In the Matter of the Application of Patrick Connor.—hiotion granted.

Butternorth vs. Crauford.—Judgment on remittitur granted.

Hopkins vs. Welland.—Motion granted.

Equitable Life Assurance Society of the United
States vs. Hail.—Heference ordered.

By Judge Loew.

Blesson vs. Glass.—Motion for a new trial, on the
ground of newly discovered evidence, granted.

COMMON PLEAS-GENERAL TERM-DECEMBER TERM.

Decisions.
By Judges Daly, Roomson and Loew. Erwin vs. Coleman,—Appeal dismissed. Goulet vs. Odenheimer.—Judgment affirmed. Levy vs. McCafil. -Same. Stepan vs. Schully .- Same.

sarsfield vs. Fletcher.-Motion to open default denied.

Bryant vs. Carey.—Appeal dismissed.

Breecker vs. Falshes.—Judgment reversed.

Connolly vs. Byrnes.—Judgment smirmed.

Crowe vs. Kennedy.—Same.

Smith, Executor, &c., vs. Lord.—Judgm

Smith, Executor, &c., vs. Lora.—Judgment fersed.
Ahearn et al., vs. Daniels.—Same.
Burker vs. Mott.—Same.
Foley vs. Virtue.—Order settled.
Jones vs. Lown.—Judgment reversed.
Poerschike vs. Kedenberg.—Appeal.
Pond vs. Clark.—Dismissed, with leave to go to Court of Appeals.
Rohe vs. The United States Fire Extinguishing Company.—Judgment affirmed.
Michaels vs. Wolk.—Same.
Shipman vs. Itelaticker.—New trial ordered.
Broderick vs. The Mayor, &c.—Reargument ordered.

Broderick vs. The Mayor, &c.—Reargumen dered.

Simmons vs. De Sage.—Judgment reversed.
Policok vs. Littenthal.—Decision reserved.
Herzberg vs. Henners.—Judgment affirmed.
Whitmer vs. Piecke.—Judgment reversed.
Gross vs. Scott.—Same.
Clarke vs. Donosan.—Judgment affirmed.
Commerford vs. Smith.—Same.
Tyler vs. McKensle.—Judgment reversed.
Hoveel vs. Taylor.—Same.
Akinson vs. Lesure.—Appeal dismissed.
Rohe vs. Seisam.—Judgment affirmed.
Stewart vs. Holloway.—Judgment reversed.
Hios vs. Beritner.—Judgment affirmed.
Levy vs. Beritner.—Judgment affirmed.
Levy vs. Beritner.—Judgment affirmed.
Kondovan vs. Musray.—Same.
Orouse vs. Reilly.—Same.
Heink vs. Christianson.—Reduced to \$30
Sirmed.
Blakely ns. Wisneal.—Judgment affirmed.

MARINE COURT-PART 3.

y vs. McGrath.—Action for wages. Trial by Judgment for plaintiff \$120 and costs and

building. Trial by cours. Decision reserved.

Lewis vs. Fosuez.—Action for damages for false imprisonment and malicious prosecution. Trial by jury. Complaint dismissed, with costs and \$25 allowance.

lowance.

Jewett vs. Prouty.—Action for salary. Trial by fury. Verdict and judgment for plaintiff \$549 and costs and \$25 allowance.

Ryan vs. Marsh.—Action for value of an India shawl. Trial by Court. Judgment of discretion for costs and \$25 allowance. costs and \$25 aflowance.

Cory vs. Langley (two cases).—Motion to open judgments. Reargument ordered for Zist last.

Shapler vs. Roberts.—Action on note. Defence. misapplication. Trial by Court. Judgment for plaintiff for \$190 65 and costs and \$25 allowance.

Rhoades vs. Phillips.—Action for balance of account. By the Court. Judgment for plaintiff for \$100 and costs.

Ford. vs. Gerson.—Action for balance of rest. Bergel vs. Gerson.—Action for balance of rest.

the Court. Judgment for the plaintin for \$225 and costs and \$25 allowance.

Darling vs. Heid.—By the Court. Judgment for plaintin for \$83 50 and costs and \$12 allowance,

Haas vs. Batzel.—Action for money. By the Court. Judgment for plaintin for \$300 11 and costs and \$25 allowance.

Bear vs. Godiots.—Judgment for plaintin for \$346 52 and costs and \$25 allowance.

COURT OF GENERAL SESSIONS.

Larcenies and Burgiaries.

Before Recorder Hackett.

The first case disposed of yesterday was an inlictment against Charles L. Wallace, a cierk in Tiffany's jewelry store. He was charged with ste ing, on the 16th inst, a ring and two vest chains worth \$400, and pleaded guilty to an attempt at grand larceny. His Honor in disposing of Wallace said that he was convinced from what he had said that he was convinced from what he had learned of the respectable antecedents of the accused that it was his first offence, and, consequently, the punishment was limited to one year's imprisonment in the Pententiary.

James Smith, jointly indicted with two others for burglariously entering the premises of Clark & Seaman, No. 86 West street, on the 19th of November, was tried and acquitted, there being no legal evidence to connect the defendant with the other burglars.

was tried and acquitted, there being no legal evidence to connect the defendant with the other burglars.

Michael Curley and Gregory Crane, charged with assaulting Charles Osgood on the 9th of this month at a salcon in West Twenty-fifth street, when he lost a silver watch, were tried and found not guilty, the evidence failing utterly to show that they were implicated in the assault.

Joseph Olden, who was indicted for feloniously assaulting John Hegenisch, on the 18th of November, by cutting him on the shoulder with a sharp knife, pleaded guilty to an assault with intent to do bodily harm. Sentence was postponed till Wednesday.

Herman Smith was tried and convicted of an assault and pattery upon a little girl named Mary Schreler and sent to the Penitentiary for one year.

COURT CALENDARS-THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Cardozo,—Nos. 50; call 64.

SUPREME COURT—SPECIAL TERM—Held by Judge Barnard.—Nos. 93, 184, 204, 230, 238.

BUPREME COURT—URCUIT—Part 1—Held by Judge Van Brunt.—Nos. 251, 219, 217, 395, 591, 233, 561, 601, 689, 531, 783, 783, 783, 783, 783, 651, 601, 689, 781, 783, 783, 785, 787, Part 2—Held by Judge Brady.—Nos. 1474, 642, 646, 794, 378, 438, 420, 420, 432, 4324, 430, 433, 440, 442, 24, 664, 274, 506, 322.

SUPREME COURT—TRIAL TERM—Part 1—Held by

426, 432, 43234, 436, 433, 440, 442, 24, 0634, 274, 206, 332.

SUPERIOR COURT—TRIAL TERM—PART 1—Held by Judge Monell.—Nos. 535, 1645, 157, 373, 1221, 1225, 1087, 1671, 895, 227, 1215, 417, 1137, 539, 737.

COURT OF COMMON PLEAS—TRIAL TERM—PART 1—Held by Judge J. F. Daly.—Nos. 345, 1027, 727, 916, 047, 1801, 876, 1028, 08, 192, 514, 408, 4674, 1136, 772, 751, 172, 988, 1048, 1084, 241, 935, 847, 1130, 606, 896, 1034, 6434, 106654, 1089, 1093, 516, 435, 893.

MARINE COURT—TRIAL TERM—PART 1—Held by Judge Alker.—Nos. 5185, 7469, 8329, 7480, 7505, 8144, 5157, 6723, 6831, 6833, 7770, 7465, 7444, 7506, 7847, 7652, 7166, 7215, 7361, 7391, 7535, 7564, 7550, 7551, 7562, 7553. Part 3—Held by Judge Joachimsen.—Nos. 6835, 7033, 7498, 8038, 8056, 8328, 8332, 8333, 8334, 7823, 7913, 7914, 8334, 8337.

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM.

The Proposed Storage Reservoir.

Before Judge Pratt.

The People ex ret. Gideon S. Nichols et al. vs. the City of Brooklyn.—The plaintiffs, who are owners of property; proposed to be taken for a storage reservoir in Hempstead, and who are not satisfied with voir in Hempstead, and who are not estimates, &c., applied for an act of certiorari to review the proceedings taken by the commissioners. Judge Pratt granted the application and made the writ returnable on the first Monday of February.

Decisions. on for allowance is so far granted that defendant may pay in ten days to plaintiff's attorney a sum equal to the disbursements herein to date, includ-ing fees of reference. The balance of said motion

dc.—Motion for leave to sell real estate of defendant denied, with \$10 costs.

The People ex rel. Joseph Phelps vs. Patrick M.
Tuity.—Attachment dismissed without costs to either party. Plaintiff may have an order to examine books referred to at office of defendant and to further examine defendant before referee. Confirmations, &cc.

Judge Pratt yesterday confirmed the report of the commissioners on the opening of Sackett street, from Fourth avenue to Nevins street, and granted an order confirming the report of the commissioners in the matter of the application of the Smithtown and Port Jefferson Railroad Company to acquire title to lands in Queens county.

Mr. C. H. S. Williams, on the application of Mr. G. V. Brown, has been appointed referee to take testimony in reference to the disposal of some of the African Civilization Society's real estate.

CITY COURT-CRIMINAL BRANCH

The Election Frauds-Conviction of John Kenny, the Bill Poster, for "Repenting"-Sentence De'erred. Before Judge McCne.

John Kenny, the Brooklyn bill poster, was tried yesterday for "repeating" at the last election. The charge was that Kenny voted in the First and Fifth districts of the Fourth ward. He was defended by Mr. P. Keady and District Attorney Morris, and Colonel Davis appeared for the people. Mr. Ready moved for a postponement of the trial on the ground of the absence of material witnesses, but Judge McCue denied the motion and the trial proceeded.
Considerable difficulty was experienced in empaneiling a jury, but one was finally obtained, and
Colonel Davis opened the case for the people.

The first witness was Mr. E. J. Whitlock, President of the Board of Education, who was one of
the inspectors in the Fifth district. He identified
the poll hist, and stated that he saw the defendant
and one Eugene White at the polls two or three times,
but did not recollect that he saw Kenny vote.

Henry D. Peck, another inspector, aware that he
saw Kenny vote there and saw his vote deposited;
he (Kenny) gave his residence as 10 Nassau street,
and the man wao voted before him gave the same
residence.

saw Kenny vote there and saw his vote deposited; he (Kenny) gave his residence as 10 Nassau street; and the man who voted before him gave the same residence.

Poheeman Chambers saw Kenny put two bailots on the boxes, but whether they were put in or not witness could not tell.

George Van Mater, poil clerk in the Fifth district, stated that Kenny voted there and gave his name as James Kenny. The defondant admitted, before Justice Walsh, that he had voted in the First district.

Joseph Reeve, a prominent republican politician, testified that kenny voted in the First district and gave his residence as 26 Nassau street.

STERRING A YOUNG VOTES.

Eugene B. White, a young man who was lately in the employ of Kenny & Murphy, testified that he and the defendant voted in the First district of the Fourth ward; witness went with him to the Second and Fifth districts, and believed; that Kenny voted in the latter district; Kenny asked him to vote from his house, No. 25 Nassau street; witness spoke to him about the trouble and he said he would get him (white) out of it should there be any; defendant gave him the valiots to vote. The question was asked young White how he came to testify before the inagistrate that he voted only once on that fay.

WITKESS—Kenny suppensed me on his examination, and told me

I must no it to save Mysel.P;
when I came there he posted me as to what I should testify; he said I looked nervous, and took me over and we had a drink; on Saturday he gave me a note to a person in Wikesbarre and \$7 in money; I went there and my father came after me and brought me back to Brockly; Kenny saw me yesterday and asked me if I was subpensed on his case, and I told him yes; he said, "Then if you come up you must testify the same as you did at Waish's Court; I will testify on your case, and it will be all right; he showed me a cleek for I should these and the would protect me.

On the cross-examination witness said that he knew there was an indiotiment against him for "repeating." He came there at the request of the

to hame. He did not know that there was any arrangement between the Destrict Attorney and his father by which he was to be let off for testifying against the defendent. Witness conferend that had sworn falsely before the justice; that he had sworn falsely before the justice; that he had been led into it and that he would never false as other false cath, as this had been a lesson to him he stated to a juror that to his certain knowledge kenny voted twice on election day.

THE DEFENCE.

The defence was a general denial, and, further that kenny's name appeared on the poll list of the Fith district by reason of the fact that a man named murphy who has since cleared out, voted there in his pame. A number of witnesses were examined, who swore that they were at the polls in the Fith district during election day and that kenny did no vote there. Counsel offered to show that one Pawarphy went there and said to the defendant that ne had voted in his (Kenny's) mane up in Washington street, but Judge McCue ruied the testimony out.

William Leach, an inspector in the Fifth district, William Leach, an inspector in the Fifth district,

william Leach, an inspector in the Fifth distri swore that he did not see Kenny vote there. The defendant, Kenny, was examined and den that he voted in any district save the First distri

of the Fourth ward.

District Attorney Morris addressed the jury of behalf of the prosecution, and after a sair charge by Judge McCue they retired to their room. They remained out about ten minutes, at the expiration of which time they returned with a verdict of "guilty." Sentence was postponed until Wednesday.

BROOKLYN COURT CALFADAR.

CITY COURT—Part 1.—Nos. 106, 216, 236, 321, 3 66, 141, 238, 330, 160, 207, 213, 214, 224, 509, 232, 257, 259, 117, 327, 301, 9, 14, 49, 81, 108, 112, 1152, 202, 208, 240, 241, 244, 283, 286, 287, 288, 220, 331, 384. Part 2.—Criminal trials.

COURT OF APPEALS CALENDAR.

The following is the Court of Appeals day calendar for December 19:—Nos. 487, 472, 483, 478, 479, 463, 430.

TOMBS POLICE COURT.

How a Young Man Didn't Get 876 of An other Man's Money-Mr. Boutwell Locked Up on a Charge of Embezzlement-Two

Juvenile Thieves.

A young man, giving his name as Henry was taken before Judge Hogan, at the Tombs Po-lice Court, yesterday morning, on a charge of forlice Court, yesterday morning, on a charge of for-gery, preferred by E. K. Wright, paying teller of the National Park Bank. It seems that Simon presented himself at the paying teller's window of the above mentioned bank yesterday morning with a draft dated Nashville, December 13, 1871, and drawn by R. J. Jameson, cashier of the First National Bank of Nashville, Tenn., on the National Date Park of the city, to the order of H. A. Hon-Park Bank of this city, to the order of H. A. Hon ginton, for the sum of \$76. The draft bore the fol

lowing endorsements:—
Pay Jno. M. Davies & Co. or order.
H. A. HONGINTON

JNO. M. DAVIES & CO.

Mr. Wright, the teller, carefully examined the draft and then the endorsements, and soon came to the conclusion that that of John M. Davies & Co. was a forgery. Requesting Mr. Simon to wait a moment until he could step into an inner room and examine the paper more closely, he (Mr. Wright) went out and called an officer, into whose care be

went out and canced at Once, into wasse care deconfided the youth. A messenger was then
despatched to No. 384 Broadway, where Mr.
Thomas M. Gopsell, of the firm whose signature
had been forged, was found, and together
the parties repaired to the Egyptian monument
in Centre street. Mr. Gopsell swore positively that
the endorsement was a forgery, and not a very
good one at that, and as Mr. Simon could not procure the necessary bail.—\$3,000—he was locked up
to answer at the Court of General Sessions.

YOUTHFUL THINYES.

Frank Kennedy, a lad seventeen years of age and
who hails from the City of Churches, and George
Edwards, eighteen years old, a native and resident of Cincinnati, Obio, stole a piece of
cloth, valued at \$50, from the premises of
Joseph Oppenheimer & Louis Swartz, Nos. 8 and 10
White street. They made good their escape with
the preperty, and would nail probability to-day have
been in the quiet enjoyment of the brocceds of its
aale had not Officer Harris, of the Fourth precinct,
discovered them last night passing through the
street with it under the arm of one of them. The
officer took them in, of course, and yesterday
Judge Hogan locked thom up in default of bail.

BOUTWELL'S FINANCIAL DIPFICULTY.

Moses Boutwell, a ministerial-locking individual,
who claims to be a brother of the illustrious Secrelary of the Treasury, and who has been for some
time past employed in the capacity of might clerk
at the eating saloon 17 and 19 Park row, was
arraigned before His Honor on a charge
of embezzlement, preferred by the propretorn of the saloon, Messrs, Mitchell & Yon
Bronnor, Mr. Boutwell's returns for moners
taken in have, during the past month
or six weeks, been considerably smaller than his
employers thougat they snould be, and for the purpose of ascertaining whether or not he was "knocking down" one of the watters in the saloon was instructed to note in a book the amount and number
of each check he gave out. This was carefuly done,
and, in the morning, when Moscs made his
return of cash, it

au down to yesterday, and the return falling short in every case from two to four dollars Messra. Mitchell & Von Bronnor concluded that they could not very well afford to be robued in that manner and so secured Mr. Boutwell's arrest.

Judge Hogan heard the case yesterday afternoon and concluded to allow the brother to the Secretary (so called) to choose between two alternatives—furnish \$1,600 bail or stand committed until such time as he should be wanted at the Court of General Sosions. Mr. Boutwell selected the latter.

A POLITICAL ROW.

The O'Bries-Bradley Factions in a Deadly

Encounter.
On Saturday night last Patrick Nash, of 309 Tenth avenue, a strong advocate of John J. Brad-ley, and John Murray, of 501 West Twenty-seventh ley, and John Murray, of 501 West Twenty-seventh street, leader of a gang of O'Brien men, met in Matthew Burns' saloon, at the corner of Twenty-sixth street and Ninth avenue, when a dispute arose among the two factions. As they progressed in their peculiar style of argument hot words ensued, which finally terminated in a free fight, which wound up by Nash being fearfully beaten about the head and body. They were finally separated, the Nash faction leaving the place threatening "to get square" with them. Murray's friends laughed at them and remained in the saloon until a late hour

them, and remained in the saloon until a late hour celebrating their victory over hot whiskeys. Murray, not feeling satisfied with the drubbing he Murray, not feeling satisfied with the drubbing he had given Nash, lay in wait, in company with five companions, at the corner of Twenty-seventh street and Tenth avenue. About midnight they were rewarded for their trouble by seeing their man coming up Tenth avenue alone. Murray no sooner saw him toan he suddenly pounced upon him and dealthim a severe blow in the face with his fist, nearly felling him to the pavement. At this unexpected salutation Nash drew back, pulled his revolver and fired in the crowd, the bail hitting Murray on the left ear, cutting it nearly off. Before he had time to fire the second shot the mob rushed upon him, knocked him upon the pavement and would nave killed him but for the timely arrival of Officer Hart, of the Sixteenth precinct, who was attracted to the spot by the firing, and arrested Nash and took his revolver from him. Upon being conveyed before Captain Killalea he was sent down stairs and locked up for the balance of the night. Testerday morning he was arraigned before Justice Cox at Jefferson Market, when Murray appeared and stated he did not wish to prefer any complaint. The Justice insisted upon it, and Nash was committed for examination.

BROOKLYN COMMON COUNCIL.

At the regular weekly meeting of the Brooklyn Common Council yesterday, Alderman Bergen preiding, the veto of the Mayor on the resolution to lay Scrimshaw pavement on Rogers avenue was received.
A communication from Coroner Whitehill asking for an ordinance requiring a penalty to be attached to the sale of kerosene oil of less than 145 degrees Fahrensale of kerosene oil of less than 145 degrees Fahrenheit was referred to the Law Committee. It was reported by the Law Committee that the compilation of the charter of the city was now satisfactorily completed, and the recommendation of the same committee that Whilam G. Bishop be paid \$1,000 for services rendered was adopted. The bond of Samuel warren as Collector of Taxes was accepted. Charles B. Wiley, chief. clerk of the Street Commissioner, was voted \$250 for extra services. The resolution to employ five additional clerks in the Tax Collector's office until February 1 was passed over the Major's veto by 15 to 2. The Street Commissioner was ordered to take charge of the dumping dock foot of North Flita street.

At a place called Liberty Corner, in Somerset

county, a few days ago, a frightful occurrence took place. It seems that a fire broke out in a house occupied by a German named William Beest. The fire alarmed the family about three o'clock in the

COUNTERPEITING.

Trial of Miner, the Alleged Counterfeiter.

Cross-Examination of Colonel Whitley, Chief of the Secret Service Division.

The trial of Joshua D. Miner, who is indicted for having counterfeit plates and counterfeit money in his possession, was resumed yesterday in the United States Circuit Court before Judge Benedict. The proceedings continue to attact a considerable amount of interest.

amount of interest.

Mr. Perrepont, Mr. Purdy and Mr. De Kay appeared on behalf of the government to conduct the prosecution, and Mr. Fullerton and Mr. Benjamin K. Pacips were counsel for the defendant, Miner. CONTINUATION OF THE CROSS-EXAMINATON OF COLOMEL WHITLEY, OHISP OF THE SECRET SERVICE.

Colonel Whitley was further cross-examined by Mr. Pulierton. The witness said:—I made no entries of my conversations with Miner; I gave the check of the trunk to Boatty, who was then working for the government; he was in my employ; I do not know where Beatty is.—I have heard that he is working in this case for Miner; Fitzpatrick is in New Orleans; this case for Miner; Fitzpatrick is in New Orleans; De Lomo is gone to Florida, where he was summon. De Lomo is gone to Florida, where he was summoned as a winess; Bestly went for the trunk in a short time, a few minutes after I got the check for it; my impression is that Beatty was not present at any conversation between me and Miner up at Miner's stable; on the night of the 25th of October the plates were brought to my office; I then took Miner in and had a talk with him. I part had a talk with bim. I part had a talk with bim. talk with him; I next had a talk with Ballard; I searched Miner and did not find the package of

I think Applegate helped me to search him.
Q. When you found that he had not the money or im what did you do? A. I told my men to go back to the place where the arrest took place and try and find the money; it was found and it was wet and

Q. Will you be kind enough to produce that money and exhibit it to the jury? A. I have not got it.

Q. You have not got it? A. No. Q. Where is it? A. I have used it.

Q. Us ed that money? A. Yes. Q. And it is not to be produced here? A. I have the list of the money; I used the money because it was mine and I had a right to it; all the money I was mine and I had a right to it; all the money I gave Cole was good money; it was not counterfeit; there was a warrant issued against Miner that night; I think it was got from John L Davenport; I do not know who applied for it, but I think I spoke to Mr. Davenport about it.

Q. Wuy did you select Nettlessip to make the amdavit in place of Kennock, who received the package from Shoveer? A. I can't give any substantial reason for it.

The warrant dated 17th of October, 1871, was here produced. It was shown to winess, who said, "I cannot say that that is the warrant; out it strikes me it is like it."

Q. Had you heard of any arrangement, definite or indefinite, before that warrant was issued, between Cole and Miner should plant along the same it.

Q. Had you heard of any arrangement, definite or indefinite, before that warrant was issued, between Cole and Miner about plates? A. "Yes, I told Cole I would go to the District Attorney and make arrangement to let him go, provided he would "turn up" the man from whom he received "the staff;" If the District Attorney consented to it; I consented to let him go on that arrangement.

Q. On what condition? A. If he would tell me of the man from whom he received the stuff.

Q. Did he give you his name? A. He did.

Q. Why did you not arrest Miner? Was there any dimiculty in arresting him? A. No, sir; but it required sufficient evidence to convict him; I did not make a full arrangement with him that night, but he agreed that he would do what he could towards it.

Q. If you wanted to cover it up, why did you give the newspapers any account at all? A. Weil, it would naturally leak out. Nearly all the men in my office saw the plates.

Q. But they would not have known where they came from if you had not told them? A. No.

Q. Then it would not have leaked out? A. They might have told that I got the plates.

Q. But you gave an unitrue account to the reporters? A. I won't say that?

Q. Did you tell the reporter that these plates were captured from the express wagon at the ferry? A. I don't remember.

Q. Will you tell us what account you did give? A. I don't remember.

Q. Did you afterwards see the account published as you gave it? A. No, Sir.

Q. Did you not tell the cashier of the Shoe and Leather Bank (Mr. Crane), immediately after the capture of the \$20 plate, in substance, that Mr. Beatty had had great twodie, incurred great expense and showed great efficiency in the capture of the plate and that you thought the bank ought to reward hin? A. I do not remember that.

Q. Will you swear that you do not remember it?

A. To the best of my knowledge I do not remember: Mr. Crane told me since that he had rewarded Beatty; I advised Beatty not to take the reward; I did not sak half of the reward from Beatty; I wrote a letter to the government for the pardon of Cole, so that he could be used as a witness on this case; before I went into the Secret Service I was in the pambroking business in Boston for about a year; my license was revoked; there was some charge about it, but I forget what it was; I was not there at the time and I do not know anything about it.

Q. Did not the inspector of pawn offices charge you with frand m the transaction? A. There was some charge, but I forget what it was; I was not fere ence to a morigage, and when the matter finally came before the court the judge decided that I was right in the matter and the other party had to pay \$900.

Q. Were you ever indicted? A. I do not know that I was; I bought and sold a good many watches;

came before the court the judge decided that I was right in the matter and the other party had to pay \$690.

Q. Were you ever indicted? A. I do not know that I was; I bought and sold a good many watches; I dealt in jeweiry and diamonds; when I was a boy I worked in a restaurant; I cannot tell you how long I worked in the restaurant; I worked some time in Mr. Campbell's restaurant; II worked some time in Mr. Campbell's restaurant, fifteen or sixteen years ago, probably a few months.

Q. Were you not disconarged from Mr. Campbell's restaurant—sent away from his employment for stealing money from him? A. No, sir, never; I worked in a restaurant in Cambridge, Mass.; I was in Kansas; there was no charge orought against me there; I was in the service of the Marshal there, and assisted in the capture of fugnitive saves; I was not charged with cruel treatment to the slaves; that was in the winter of 1859; I went out after that to Pike's Peak; business was poor, and I returned; was in New Orleans from 1859 to 1865; was steamboating and buyling produce; took up sugar there and bought large quantities of eggs; I went in General Butler's service, and was a detective at New Orleans; was commissioned as a major in the United States Army; served three months on the Operousas Kallway; after that went into the recruiting service; theil went into the service of a party as detective in lunting up frauds; when the war closed I took, by permission of General Banks, a quantity of goods to Monde.

Re-direct examination—I promised to Miner that I would not publish the facts as they occurred in the newspapers, as I considered I should keep good faith with him; the warrant was neid over from the I'th of October to the 28th, in order that more conclusive evidence could be had against miner—to take him in the act of making the deal; when I was going up to Miner with Bill Gurney, Gurney had a diamond plin in its breast; he said, "I'd on to want Miner to see that pin;" when I saw Miner I told him what Bill said; I nat not known Miner before

what Bill said; I had not known Miner before that time.

The Court here took a recess.

OLLOWEL WHITLEY RECALLED.

After the recess Colonel Windley was recalled. He testified, in reply to Mr. Fullerton, with respect to the Radelline diamonds, that those diamonds had been smuggled, and that he had received from a broker down town a package of those diamonds worth about two hundred and thirty dollars. These diamonds he divided among his men; but there was never, he said, any criminal charge brought against him in relation to those diamonds.

The deed which Cole had given him as security on the charge of counterrelting preferred against him (Oole) was given back by directions of Cole to Shorer.

TESTINONY OF JOHN SALLARD.

BAILARD, printer, testified:—I resided at 256
tion street, in this city, up to last March, and
here engaged in the printing of counterfell

must have printed upwards of one. dred thousand dollars' worth of these bills; the plates now shown me are those I used in printing; one of the plates is for plinting bills on the Farmers and Manufacturers' Bank of Poughkeepsie; we have a process of changing the names of the banks in the plates; I know that the 250 counterfelt plates now in Court have been changed twenty-five times; I have but just been brought from Wisconsin fall by Colonet Whitely to take part. iwenty-nye times; I have but just been brou irom Wisconsin Jall by Colonet Whitely to take I as witness in this case; I was arrested once be in Bunalo for counterfeiting Mexican shillings, was sent to Auburn Prison for five years and I months; I served four years and two months was then released by the government; I then ca back to New York and lived at No. 230 Riving street, where I again resumed the business of co terfeiting; I was arrosted in Wisconsin for offence in July last, and am new in custouy pend a trial.

a trial.

John Shorer, a stepson of Cole, testified to having seen Miner give Cole a backage opposite his house in last October; he did not know its contents, but at the suggestion of Cole marked it; the mark he placed upon it were the letters S. T. X. X. he identified the mark he put upon the package as the same now on the paper produced in Court.

At this stage of the proceedings the Court adjourned to eleven o'clock this morning.

THAT BLACK FRIDAY SUIT.

The Charge of Tampering with the Jury.

Motion to Set Aside the Verdict-More Affidavite of the Jurors-Two of the Alleged Attempted Bribers Tell Their Story-A Woman in the Case-Curious Combination of Conflicting Statements.

tions present themselves in the case of alleged tam-pering with the jury in the suit of J. O. Davis and to recover iosses said to have resulted on the memorable Black Friday from buying gold on the latter's orders. In the Superior Court, Special Term, Judge Freedman on the bench, a motion yesterday was made to set aside the verdict—such verdict, as is well known, being against the defendants. There was a large gathering in the Court room, including, was large gathering in the Court room, including, besides most of the jurors in the case and their opposing counsel, Mr. Albert Stickner, who appears for the plainting, and Mr. David Dudley Field, ropresenting the defendants, a number of prominent Wall street brokers interested in other limitar suits waiting prosecution against the same parties. The proceedings opened with reading am-davits by Mr. Field, who makes the motion. These affidavits, some of which are given below in full. complications of the case quite as succincily and pertinently as any narrative possibly could, and we therefore let them tell their own story. First in order was read the

AFFIDAVIT OF GEORGE B. SHARP. George B. Sharp, being duly sworn, deposes an

follows:

I was on the jury in the above-entitled action. The jury retired about five P. M. on Westnesday, the 28th of November, 1871. When the first ballot was taken we stood nine for relativity, the control of the

Q. Was there any difficulty about that? A. The difficulty of getting sufficient evidence to convict him.

Q. What evidence? A. Cole said he received the money from Miner; I told him I wanted to catch Miner with "the stud" right on him, and he promised that he would do that—that he could arrange it.

Q. He promised to have Miner arrested with "the stud" upon nim? A. Yes.

Q. (Copy of the Eccuring Telegram handed to witness) Did you tell the reporter of the Telegram of the capture of the \$20 plate? A. I gave the reporter some information.

Q. Did you tell the reporter that an express wagon was watched by your men from the time it left a large brown stone building in this city until it got to the ferry, where the truck was captured? A. I can't say; I don't remember.

Q. And if you did give it, it was not true? A. Weil, I remember I promised Miner to cover it up in the papers, and I may have given the story a little different from what the real iacts were.

Q. Then you told an untruth? A. I would not call that nutruth?

Q. If you wanted to cover it up, why did you give the newspapers any account at all? A. Weil, It would naturally leak out. Nearly all the men in my office saw the plates.

Q. But they would not have known where they

room, and juvors were reading the illuminary broom. The juvors were in about ten o'diock and stated and incient evidence before me to bring in a verdict for the plantiff." I understood the Judge to say, "There is evidence." The Judge then handed the minutes of the evidence to the Judge to the Judge to say, "There is evidence." The Judge then handed the minutes of the evidence to the Judge to the Judge to say, "There is evidence to the Judge to